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Patent  
Attorney's Docket No. 033638-018

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**REQUEST FOR FILING CONTINUATION/DIVISIONAL  
APPLICATION UNDER 37 C.F.R. § 1.53(b)**

**MAIL STOP PATENT APPLICATION**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Customer No. **2 1 8 3 9**

Sir:

This is a request for filing a ☒ continuation ☐ divisional application under 37 C.F.R. § 1.53(b) of pending Application No. 10/347,620 filed on January 22, 2003, for ANALYTE MONITOR, by the following named inventor(s):

- (a) Full Name John Gregory ACETI
- (b) Full Name Zvi Gerald Loewy
- (c) Full Name Richard Morgan MORONEY, III
- (d) Full Name Christopher Carter Gregory
- (e) Full Name Peter John Zanzucchi

☒ The entire disclosure of the prior application from which a copy of the oath or declaration is supplied herewith is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.

☐ This application is being filed by less than all the inventors named in the prior application. In accordance with 37 C.F.R. 1.63(d)(2), the Commissioner is requested to delete the name(s) of the following person or persons who are not inventors of the invention being claimed in this application.

- (a) Full Name \_\_\_\_\_
- (b) Full Name \_\_\_\_\_
- (c) Full Name \_\_\_\_\_

☐ This application is being filed by more than all the inventors named in the prior application. In accordance with 37 C.F.R. 1.63(d)(5), a new oath or declaration is enclosed, and the Commissioner is requested to add the name(s) of the following person or persons who are inventors of the invention being claimed in this application.

- (a) Full Name \_\_\_\_\_
- (b) Full Name \_\_\_\_\_
- (c) Full Name \_\_\_\_\_

- ☐ Applicant(s) suggests Figure \_ for inclusion on the front page of the patent application publication and/or patent.
- ☒ Applicant(s) requests that the published application include the following assignment information: Rosedale Medical, Inc.
1. ☒ Enclosed is a copy of the prior Application No. 10/347,620 as originally filed on January 22, 2003, including copies of the specification, claims, drawings and the executed oath or declaration as filed.
  2. ☐ Enclosed is a revised prior application and a copy of the prior executed oath or declaration as filed. No new matter has been added to the revised application.
  3. ☐ Small entity status is hereby claimed.
  4. ☒ The filing fee is calculated below ☒ and in accordance with the enclosed preliminary amendment:

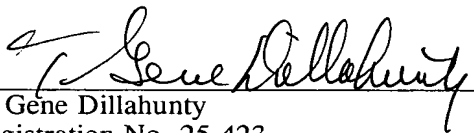
C L A I M S					
	NO. OF CLAIMS		EXTRA CLAIMS	RATE	FEE
Basic Application Fee					\$770.00 (1001)
Total Claims	48	MINUS 20 =	28	× \$18.00 (1202) =	\$504.00
Independent Claims	6	MINUS 3 =	3	× \$86.00 (1201) =	\$258.00
If multiple dependent claims are presented, add \$290.00 (1203)					
Total Application Fee					\$1532.00
If small entity status is claimed, subtract 50% of Total Application Fee					
Add Assignment Recording Fee of \$ <u>\$40.00 (8021)</u> if Assignment document is enclosed					
<b>TOTAL APPLICATION FEE DUE</b>					<b>\$1532.00</b>

5. ☒ **This application is being filed without a filing fee. Issuance of a Notice to File Missing Parts of Application is respectfully requested.**
6. ☐ Cancel in this application original claims \_ of the prior application before calculating the filing fee.
7. ☐ New drawings are enclosed.

8. ☐ Priority of Application No. \_ filed on \_ in \_ (country) is claimed under 35 U.S.C. § 119.
- ☐ The certified copy of the priority application
- ☐ is enclosed.
- ☐ was filed on \_ in prior Application No. \_, filed on \_, and acknowledged by the Examiner on \_ in Paper No. \_.
- ☐ has not yet been filed.
9. ☒ A preliminary amendment is enclosed.
10. ☐ An Information Disclosure Statement is enclosed.
11. ☐ A General Authorization for Payment of Fees and Petitions for Extensions of Time is enclosed.
12. ☐ Also enclosed \_.
13. ☒ The power of attorney in the prior application is to Burns, Doane, Swecker & Mathis L.L.P.
- a. ☒ The power appears in the original papers in a prior application.
- b. ☐ Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.
- c. ☐ Recognize as Associate Attorney \_.
- d. ☐ Address all future communications to: (May only be completed by applicant, or attorney or agent of record.)

BURNS, DOANE, SWECKER & MATHIS, L.L.P.  
Customer Number: **2 1 8 3 9**  
P.O. Box 1404  
Alexandria, Virginia 22313-1404

Date: November 24, 2003

By:   
T. Gene Dillahunty  
Registration No. 25,423

ADDRESS OF SIGNATOR:

BURNS, DOANE, SWECKER & MATHIS, L.L.P.  
Suite 700, Twin Dolphin Drive  
Redwood Shores, CA 94065-1418

- ☐ inventor(s)  
☐ assignee of complete interest  
☒ attorney or agent of record  
☐ filed under 37 C.F.R. § 1.34(a)